

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE HENRY GONZALEZ,  
Individually and on behalf of all  
others similarly situated,

**AFFIDAVIT**

Plaintiff,

-against-

Case No. 12-CV-3465 (BMC)

AUTO-CHLOR SYSTEM OF NEW YORK  
CITY, INC., et. al.,

Defendants.

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STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

TIM LOCKRIDGE, being duly sworn, deposes and says:

1. I have worked for AUTO-CHLOR SYSTEM OF NEW YORK CITY, INC. (hereinafter "Auto-Chlor") for approximately 1 month, or since September, 2012.
2. My position at Auto-Chlor is Route Driver and my job duties are to go to assigned stops, service and maintain machines and deliver supplies to customers.
3. The person who I reported to at Auto-Chlor when I first began and currently is Rich Dagastino, Ron Lacey or Mike Bugiada (hereinafter "Mike).
4. When I began working for Auto-Chlor, I was provided with 11 uniforms, which consist of a button down shirt and slacks that have the Auto-Chlor logo on them. Auto-Chlor offers me the option to have my uniforms cleaned weekly by a company called Aramark. It is my understanding, that if my uniform gets ratty or torn, Auto-Chlor replaces my uniform. I have never been charged for my uniform.

5. I currently make \$11.50 per hour, plus commissions, plus time and a half for all hours worked over forty in one week.

6. As far as benefits go, Auto-Chlor is very generous. In addition to my regular rate of pay, once I am out of my probationary period (90 days) I will receive full medical benefits, paid sick time, holidays and vacation time. Not only that, but after my probationary period, I will have a savings account and retirement account in which Auto-Chlor makes a yearly. In addition, after my probationary period, Auto-Chlor will allow me to participate in profit sharing.

7. I currently work 7:30 A.M. until 4:00PM, with a half hour break each day, 5 days a week, or Monday through Friday. I also work "on call" on rotation, which results in me working "on call" for one week out of approximately every 6 weeks or so.

8. When I am "on call", I am not required to be at work, but am allowed to do whatever I want so long as I am available a phone call away to respond to customer issues. When a customer reports an issue with their machine when I am "on call", I am notified and leave wherever I am to service the customer. I am compensated for my "on call" time by keeping time log of the time from when I leave my house, or current location, until I return home, or to my current location. At the end of my "on call" week, I report my time in the "on call" log in our office, so that it can be included in that week's payroll.

9. For the entire time that I have worked for Auto-Chlor, it has always been company policy that "on call" time is compensated from the time we leave our house until the time we return home, and everyone knows that. Everyone also knows that the

reporting of our "on call" time is based upon the "honor system" and that our boss relies upon us to accurately report our time. I have always been paid for the time I have reported to my boss and that time has always included my travel time from my home to the customer's location and my travel time from the customer's location back home.

10. I have been told that the plaintiff in this case is claiming that the "on call" time is reported from the time we arrive at the customer's location until the time we leave the customer's location. That simply is not true and has not been the policy of Auto-Chlor at least as long as I have been here.

11. If I ever had a problem with my paycheck, which I have not, I know that it is Auto-Chlor's policy that any discrepancy be reported to my boss and I know that it would be taken care of immediately.

12. I am not aware of anyone ever not being compensated for their "on call" time from the time they left home until the time they returned thereto.

  
TIM LOCKRIDGE

Sworn to before me this  
25<sup>th</sup> day of October 2012.

  
NOTARY PUBLIC

**Kristin J. Kircheim**  
Notary Public, State of New York  
No. 02K16241500  
Qualified in Nassau County  
Commission Expires May 23, 2015